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NCLA Helping Acclaimed Chicano Poet Fight San Antonio’s Dismissal of Him in Free Speech Dispute

Nephtalí De León v. City of San Antonio and Executive Director Krystal Jones, Department of Arts and Culture

Washington, DC (August 2, 2024) – Today, the New Civil Liberties Alliance filed a [Complaint](#) against the City of San Antonio and city employee Krystal Jones for unlawfully firing accomplished Chicano writer, artist, and activist Nephtalí De León as the City’s poet laureate in violation of his protected free speech. The City unjustly terminated Mr. De León from the paid position of city poet laureate and then defamed him for his supposed use of a “racial slur” in an elegy he had written in honor of a renowned Chicano writer-activist who had dedicated his life to fighting racial injustice. The City’s unlawful and unwarranted actions have harmed Mr. De León’s professional reputation and denigrated his life’s work. NCLA urges the U.S. District Court for the Western District of Texas to correct this affront to the First Amendment and thereby help Mr. De León restore his good name.

For well over half a century, Mr. De León has passionately dedicated his career as a writer and artist to the advancement and celebration of Chicano culture, history, and language, striving to shine a light on the resilience, creativity, and complex struggles of his community. Mr. De León has long incorporated Chicano Caló—a dynamic code-switching dialect that switches fluidly between English, Spanish, Aztec Nahuatl, and Spanish Romani—into his writing and poetry in an effort to revive what he perceives as a rich yet misunderstood language.

In 2023, San Antonio Mayor Ron Nirenberg named Mr. De León poet laureate for a three-year term, recognizing him as an artist known to “challenge standard views and narratives.” Months later, however, without notice, the City fired him as poet laureate based on his use of a word in Chicano Caló for Black people in the elegy he had written in honor of Chicano writer-activist Dr. Roberto ‘Cintli’ Rodriguez, posted on Mr. De León’s personal Facebook page. As translated to English, Mr. De León’s poem states that his friend “touched so many Chicanos, Whites and Blacks, he touched everyone between two cultures and two nations.” Mr. De León did not use the Chicano Caló term at issue, “mayate,” as a slur, which is plainly apparent in the context of an elegy dedicated to a man who spent his life fighting racial injustice.

By firing Mr. De León without notice or any opportunity to explain himself or the meaning of his poem, the City violated its contract with him and engaged in quintessential viewpoint discrimination and First Amendment retaliation against Mr. De León. Within 24 hours of his termination, the City issued defamatory statements to numerous news and media outlets concerning Mr. De León and his purported use of a “racial slur.” These actions have unjustly harmed Mr. De León’s ability to make a living through public speaking, writing and other forms of community engagement on which he relies as a source of income. They also hinder his mission to revive Chicano Caló and counteract the stigmatization Chicanos have faced through his work and the unifying platform he has built over the years. NCLA asks the Court to order that the City retract and disavow its press statement defaming Mr. De León, and pay him the remainder owed under his contract, along with damages for the harm to his reputation and professional opportunities he has lost.

NCLA released the following statements:

“Nephtalí De León is an incredibly vibrant individual who has dedicated 79 years of his life to uplifting his community and sharing his joy and passion for Chicano culture—and in his own authentic language. The City of San Antonio has allowed cancel culture to cloud its vision, destroying the reputation and life’s work of a man who has only sought to unify and raise up those who have been stigmatized. The Court should send a message that cancel culture cannot cancel free speech—whether in English, Spanish, or Chicano Caló.”

— **Casey Norman, Litigation Counsel, NCLA**

“That the City of San Antonio fired Mr. De León for using a Chicano term that the government administrators misunderstood—in a poetic elegy to his friend, no less—exemplifies the absurdity of cancel culture in this day and age. Those administrators then chose to smear Mr. De León in the media, destroying his reputation and depriving him of work opportunities. We look forward to vindicating Mr. De León’s rights and obtaining compensation for his ordeal in court.”

— **Jenin Younes, Litigation Counsel, NCLA**

“San Antonio jumped the gun in firing Mr. De León. It should have abided by its contract with him and given him an opportunity to explain his word choice. By instead acting precipitously and then defaming Mr. De León in the media, the city has sullied his reputation in a manner that cries out for relief.”

— **Mark Chenoweth, President, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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